

TITLE 50
MUNICIPAL CORPORATIONS

CHAPTER 4
MUNICIPAL ELECTIONS

50-401. SHORT TITLE. This chapter shall be known and cited as the "Idaho Municipal Election Laws."

[50-401, added 1978, ch. 329, sec. 2, p. 826.]

50-402. DEFINITIONS. The following words and phrases when used in this chapter, have the meanings respectively given herein.

(a) General election. "General election" means the election held on the first Tuesday succeeding the first Monday in November in each odd-numbered year at which there shall be chosen all mayors and councilmen as are by law to be elected in such years.

(b) Special election. "Special election" means any election other than a general election held at any time for any purpose provided by law.

(c) Qualified elector. A "qualified elector" means any person who is at least eighteen (18) years of age, is a United States citizen and who has resided in the city at least thirty (30) days next preceding the election at which he desires to vote and who is registered within the time period provided by law. A "qualified elector" shall also mean any person who is at least eighteen (18) years of age, is a United States citizen, who is a registered voter, and who resides in an area that the city has annexed pursuant to [chapter 2, title 50](#), Idaho Code, within thirty (30) days of a city election.

(d) Residence.

(1) "Residence" for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence. In determining what is a principal or primary place of abode of a person the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.

(2) A qualified elector shall not be considered to have gained residence in any city of this state into which he comes for temporary purposes only without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.

(3) A qualified elector who has left his home and gone to another area outside the city, for a temporary purpose only shall not be considered to have lost his residence.

(4) If a qualified elector moves outside the city, with the intentions of making it his permanent home, he shall be considered to have lost his residence in the city.

(e) Election official. "Election official" means the city clerk, registrar, judge of election, clerk of election, or county clerk engaged in the performance of election duties.

(f) Reference to male. All references to the male elector and male city officials include the female elector and female city officials and the masculine pronoun includes the feminine.

(g) Computation of time. Calendar days shall be used in all computations of time made under the provisions of this chapter. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Saturdays, Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Saturday, Sunday or a legal holiday, such act shall be done upon the day following each Saturday, Sunday or legal holiday.

[50-402, added 1978, ch. 329, sec. 2, p. 826; am. 1982, ch. 81, sec. 1, p. 148; am. 1983, ch. 45, sec. 1, p. 115; am. 1994, ch. 66, sec. 1, p. 136; am. 2002, ch. 75, sec. 2, p. 165; am. 2009, ch. 341, sec. 102, p. 1049.]

50-403. SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY COUNTY CLERK. For each city, the county clerk of the county is the chief elections officer and shall exercise general supervision of the administration of the election laws in the city for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity. The county clerk shall meet with and issue instructions to election judges and clerks prior to the opening of the polls to ensure uniformity in the application, operation and interpretation of the election laws during the election.

[50-403, added 1978, ch. 329, sec. 2, p. 828; am. 2007, ch. 202, sec. 11, p. 624; am. 2009, ch. 341, sec. 103, p. 1050.]

50-404. REGISTRATION OF ELECTORS. All electors must register before being able to vote at any municipal election. The county clerk shall be the registrar for all city elections and shall conduct voter registration for each city pursuant to the provisions of [chapter 4, title 34](#), Idaho Code. To be eligible to register to vote in city elections, a person shall be at least eighteen (18) years of age, a citizen of the United States and a resident of the city for at least thirty (30) days next preceding the election at which he desires to vote, or a resident of an area annexed by a city pursuant to the provisions of [chapter 2, title 50](#), Idaho Code.

[(50-404) 50-414, added 1993, ch. 379, sec. 4, p. 1394; am. and redesignig. 2009, ch. 341, sec. 105, p. 1051.]

50-405. GENERAL AND SPECIAL CITY ELECTIONS. (1) A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

(2) On and after January 1, 2011, notwithstanding any other provisions of law to the contrary, there shall be no more than two (2) elections conducted in any city in any calendar year, except as provided in this section.

(3) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection (3), an emergency election may be called upon motion of the city council of a city. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

(4) Pursuant to section [34-1401](#), Idaho Code, all municipal elections shall be conducted by the county clerk of the county wherein the city lies, and elections shall be administered in accordance with the provisions of [title 34](#), Idaho Code, except as those provisions are specifically modified by the provisions of this chapter. After an election has been ordered, all expenses associated with conducting municipal general and special elections shall be paid from the county election fund as provided by section [34-1411](#), Idaho Code. Expenses associated with conducting runoff elections shall be paid by the city adopting runoff elections pursuant to the provisions of section [50-612](#) or [50-707B](#), Idaho Code, or both.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of elections authorized under the provisions of this section.

[(50-405) 50-429, added 1978, ch. 329, sec. 2, p. 835; am. 1993, ch. 379, sec. 2, p. 1393; am. and redesisg. 2009, ch. 341, sec. 107, p. 1051.]

50-406. METHOD OF NOMINATION -- CLERK TO FURNISH PRINTED FORMS. Candidates for elective city offices shall be nominated by declaration. The declaration shall contain the name and address of the person and the office and the term for which he is being nominated. There shall be no mention relating to party or principal of the nominee. The completed declaration of candidacy shall be accompanied by: (1) a petition of candidacy signed by not less than five (5) registered qualified electors; or (2) a nonrefundable filing fee of forty dollars (\$40.00) which shall be deposited in the city treasury.

It shall be the duty of the city clerk to furnish upon application a reasonable number of regular printed forms, as herein set forth, to any person or persons applying therefor. The forms shall be of uniform size as determined by the clerk.

[(50-406) 50-430, added 1978, ch. 329, sec. 2, p. 835; am. 2002, ch. 75, sec. 8, p. 167; am. and redesisg. 2009, ch. 341, sec. 108, p. 1052.]

50-407. FORM OF DECLARATION OF CANDIDACY. Declarations of candidacy and petitions of candidacy shall read substantially as herein set forth. Any number of separate petitions of candidacy may be circulated at the same time for any candidate and all petitions for each candidate shall be considered one (1) petition when filed with the city clerk. Each signer of a petition shall be a registered qualified elector.

[illegible]

STATE OF IDAHO

County of

I,, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly; and that each signer is a qualified elector of the State of Idaho, and the City of

Signed

Address

Subscribed and sworn to before me this day of,

Signed Notary Public

Residing at

Commission expires

(Notary Seal)

[(50-407) 50-431, added 1978, ch. 329, sec. 2, p. 835; am. 2002, ch. 32, sec. 22, p. 59; am. 2002, ch. 75, sec. 9, p. 168; am. 2006, ch. 105, sec. 3, p. 289; am. and redesig. 2009, ch. 341, sec. 109, p. 1052.]

50-410. TIME AND MANNER OF FILING DECLARATIONS. (1) All declarations of candidacy for elective city offices shall be filed with the clerk of the respective city wherein the elections are to be held not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday, immediately preceding election day. Before a candidate files a petition of candidacy with the city clerk, the petition signatures shall be verified by the county clerk in the manner described in section [34-1807](#), Idaho Code, except that the city clerk shall stand in place of the secretary of state. Before any declaration of candidacy and filing fee or petition of candidacy mentioned in section [50-407](#), Idaho Code, can be filed, the city clerk shall ascertain that it conforms to the provisions of [chapter 4, title 50](#), Idaho Code. The city clerk shall not accept any declarations of candidacy after 5:00 p.m. on the ninth Friday immediately preceding election day. Write-in candidates shall be governed by section [34-702A](#), Idaho Code, but shall file the declarations required in that section with the city clerk.

(2) A person shall not be permitted to file a declaration of candidacy for more than one (1) office in any city election.

[(50-410) 50-432, added 1978, ch. 329, sec. 2, p. 836; am. 1989, ch. 64, sec. 6, p. 103; am. 1996, ch. 337, sec. 1, p. 1137; am. 1998, ch. 240, sec. 3, p. 798; am. 2002, ch. 75, sec. 10, p. 169; am. 2006, ch. 105, sec. 4, p. 290; am. and redesig. 2009, ch. 341, sec. 110, p. 1053; am. 2014, ch. 162, sec. 5, p. 457.]

50-411. NOTICE OF CANDIDATE FILING DEADLINE. Not more than fourteen (14) nor less than seven (7) days preceding the candidate filing deadline for an election, the city clerk shall cause to be published in the official newspaper a notice of the forthcoming candidate filing deadline. The notice shall state the name of the city, the date of the election, the offices up for

election, that declarations of candidacy are available from the city clerk, and the deadline for filing such declarations with the city clerk.

[(50-411) 50-435, added 2006, ch. 105, sec. 5, p. 290; am. and redesignig. 2009, ch. 341, sec. 111, p. 1053.]

50-412. CANVASSING VOTES -- DETERMINING RESULTS OF ELECTION. The county commissioners, within ten (10) days following any election, shall meet for the purpose of canvassing the results of the election. Upon receipt of tabulation of votes prepared by the election judges and clerks, and the canvass as herein provided, the results of both shall be entered in the minutes of city council proceedings. Results of election shall be determined as follows: in the case of a single office to be filled, the candidate with the highest number of votes shall be declared elected; in the case where more than one (1) office is to be filled, that number of candidates receiving the highest number of votes, equal to the number of offices to be filled, shall be declared elected.

[(50-412) 50-467, added 1978, ch. 329, sec. 2, p. 846; am. and redesignig. 2009, ch. 341, sec. 113, p. 1054; am. 2014, ch. 162, sec. 6, p. 458.]

50-413. TIE VOTES. In case of a tie vote between candidates, the city clerk shall give notice to the interested candidates to appear before the council at a meeting to be called within six (6) days at which time the city clerk shall determine the tie by a toss of a coin.

[(50-413) 50-468, added 1978, ch. 329, sec. 2, p. 846; am. and redesignig. 2009, ch. 341, sec. 114, p. 1054.]

50-414. FAILURE TO QUALIFY CREATES VACANCY. If a person elected fails to qualify, a vacancy shall be declared to exist, which vacancy shall be filled by the mayor and the council.

[(50-414) 50-469, added 1978, ch. 329, sec. 2, p. 846; am. and redesignig. 2009, ch. 341, sec. 115, p. 1054.]

50-415. CERTIFICATES OF ELECTIONS. A certificate of election for each elected city official or appointee to fill such position shall be made under the corporate seal by the city clerk, signed by the mayor and clerk, and presented to such officials at the time of subscribing to the oath of office.

[(50-415) 50-470, added 1978, ch. 329, sec. 2, p. 846; am. and redesignig. 2009, ch. 341, sec. 116, p. 1054.]

50-416. APPLICATION FOR RECOUNT OF BALLOTS. Any candidate desiring a recount of the ballots cast in any general city election may apply to the attorney general therefor, within twenty (20) days of the canvass of such election by the county board of canvassers. The provisions of [chapter 23, title 34](#), Idaho Code, shall govern recounts of elections held under this chapter.

[(50-416) 50-471, added 1978, ch. 329, sec. 2, p. 846; am. and redesignig. 2009, ch. 341, sec. 117, p. 1054.]

50-417. RECALL ELECTIONS. Recall elections shall be governed by the provisions of [chapter 17, title 34](#), Idaho Code, except as those provisions may be specifically modified by the provisions of this chapter.

[(50-417) 50-472, added 1978, ch. 329, sec. 2, p. 847; am. and redesign. 2009, ch. 341, sec. 118, p. 1055.]

50-418. INITIATIVE AND REFERENDUM ELECTIONS. Initiative and referendum elections shall be governed by the provisions of [chapter 18, title 34](#), Idaho Code, and [chapter 5, title 50](#), Idaho Code, except as those provisions are specifically modified by this chapter.

[(50-418) 50-473, added 1978, ch. 329, sec. 2, p. 847; am. and redesign. 2009, ch. 341, sec. 119, p. 1055.]

50-419. ELECTION LAW VIOLATIONS. The provisions of [chapter 23, title 18](#), Idaho Code, pertaining to crimes and punishments for election law violations are applicable to all municipal elections.

[(50-419) 50-475, added 1978, ch. 329, sec. 2, p. 847; am. and redesign. 2009, ch. 341, sec. 121, p. 1055.]

CHAPTER 5
INITIATIVE -- REFERENDUM -- RECALL -- [RESERVED]